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March 5, 2021

National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

**Re: Freedom of Information ("FOIA") Request**

Dear FOIA Officer,

On behalf of Alabama Power Company, I submit this information request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and EPA's FOIA regulations under 40 C.F.R. Part 2. As explained in greater detail below, this FOIA request seeks certain records held by the Environmental Protection Agency ("EPA") pertaining to Alabama Power Company's James M. Barry Electric Generating Plant ("Plant Barry") and to the State of Alabama's administration of the NPDES program.

Specifically, I am requesting records which may include, but are not limited to:

1. Any records relating to EPA's development, analysis, review, approval, objection, and/or disapproval of any Section 316(a) thermal variance relating to Plant Barry, including but not limited to any such variance included in any draft, final, or proposed NPDES (or any predecessor wastewater discharge regulatory program) permit (hereinafter, collectively "NPDES Permit").
2. Any correspondence and/or communications concerning the development, analysis, review, approval, and/or disapproval of a thermal variance relating to Plant Barry or otherwise discussing a thermal variance relating to Plant Barry, including but not limited to any such variance included in any draft, final, or proposed NPDES Permit, between EPA and: (a) the Alabama Department of Environmental Management ("ADEM") (including any predecessor to ADEM); and/or (b) any other employee or personnel of the State of Alabama.
3. Any records relating to any NPDES Permit issued by EPA, ADEM, or ADEM's predecessor, to Alabama Power Company relating to Plant Barry, including all analyses, comments, approvals, disapprovals, rejections, and/or objections to same.
4. Any draft, final, and proposed NPDES Permit issued by EPA relating to Plant Barry, including any affiliated records such as fact sheets, permit rationales, and/or permit applications.
5. Any records concerning Plant Barry's thermal discharge(s).
6. Any records relating to Plant Barry's compliance with Clean Water Act Section 316(a).

7. Any and all NPDES Memoranda of Agreement (MOA), or similar agreements and/or documents, governing the State of Alabama's administration of the NPDES program (collectively referred to as "MOAs"), including but not limited to any MOAs that may have existed prior to the current NPDES program MOA between EPA and the State of Alabama, dated April 23, 2008. All records relating to any current or prior NPDES MOAs between EPA and the State of Alabama, including draft MOAs and any correspondence between EPA and (a) ADEM (including any predecessor to ADEM); or (b) any other employee or personnel of the State of Alabama.
8. Any and all current and/or historic records relating to EPA's authorization(s) of the State of Alabama and/or ADEM (including any predecessor to ADEM) to administer all or any portion of the NPDES program.

To avoid doubt, the request for the above-referenced categories of records is not temporally limited. Alabama Power Company seeks all such records from the past 50+ years, to the extent they exist.

For the purposes of this request, "records" includes all books, papers, maps, photographs, machine readable materials, electronic materials, or other documentary materials, regardless of physical form or characteristics, including all communications, letters, memoranda, notations, copies, e-mails, diagrams, studies, charts, minutes, tables, spreadsheets, formulas, directives, observations, impressions, contracts, messages, mail, drafts, and tapes in the possession of EPA or its legal department.

I am willing to pay the applicable fees for this request up to \$500 without further authorization. Should expected fees exceed this amount, please contact me for approval to proceed. Also, please contact me if you need any clarification or other information to process this request, including any discussion of prioritizing the agency's review for and/or production of records in response to this request.

I will accept responsive documents in hard copy and/or electronic (PDF) format and, if necessary, production on a periodic or rolling basis.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. DeLawrence', with a long horizontal flourish extending to the right.

Tom DeLawrence